

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE:

Jorge Bravo and Clorinda Bravo

Debtors

CHAPTER 7

CASE NO. 12-10045

MOTION TO TERMINATE LOSS MITIGATION ORDER

Now Comes PNC Bank, National Association, successor by merger to National City Bank, successor by merger to National City Mortgage Co., formerly known as NCMC NewCo, Inc., successor in interest to National City Mortgage Co., subsequently known as National City Mortgage, Inc. (“PNC Bank”) and respectfully requests that this Court terminate the Loss Mitigation Period and vacate the order granting the Loss Mitigation Request. In support thereof, PNC Bank states as follows:

1. On January 16, 2012, the debtor filed a Loss Mitigation Notice/Request. (Doc. No. 10)
2. On January 31, 2012, this Court entered an Order Granting Loss Mitigation Notice Request. (Doc. No. 13)
3. On June 28, 2012 debtors were offered a trial payment plan. Debtors were to make payments of \$1,493.35 on August, 1, 2012, September 1, 2012 and October 1, 2012 in order to be reviewed for a final modification. A copy of Trial Payment Plan is attached hereto as Exhibit A.
4. On August 10 2012, PNC Bank advised the undersigned counsel that the debtors did not return the executed trial payment plan agreement and failed to make the trial payment due on August 1, 2012. As a result the debtors were denied a loan modification on August 3, 2012.
5. PNC Bank requests that this Court terminate the Loss Mitigation Period and Vacate

the Loss Mitigation Order as the Debtors have failed comply with Trial Payment Plan offered.

WHEREFORE, PNC Bank respectfully requests that this Court vacate the order granting Loss Mitigation which was entered On January 31, 2012. PNC Bank requests permission to assess the Debtors' account \$800.00 in legal fees for its participation in the Loss Mitigation Program and the preparation of its Motion to Terminate Loss Mitigation Order.

Respectfully submitted,

PNC Bank, National Association, successor by merger to National City Bank, successor by merger to National City Mortgage Co., formerly known as NCMC NewCo, Inc., successor in interest to National City Mortgage Co., subsequently known as National City Mortgage, Inc.

By its Attorney

/s/ Wayne E. George

Wayne E George, Esquire
RI # 8151
HARMON LAW OFFICES, P.C.
P.O. Box 610345
Newton Highlands, MA 02461-0345
781-398-4800
ribk@harmonlaw.com

Dated: August 28, 2012

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE:
Jorge Bravo and Clorinda Bravo
Debtors

CHAPTER 7
CASE NO. 12-10045

CERTIFICATE OF SERVICE

I, Wayne E George, Esquire, state that on August 28, 2012, I electronically filed the foregoing Motion with the United States Bankruptcy Court for the District of Rhode Island using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

Lisa A. Geremia, Esquire, Chapter 7 Trustee
Gary L. Donahue, Esquire, Assistant U.S. Trustee
John B. Ennis, Esquire for the Debtors

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

/s/ Wayne E. George
Wayne E George, Esquire
RI# 8151

Jorge Bravo
66 Edgeworth Avenue
Providence, RI 02904

Clorinda Bravo
66 Edgeworth Avenue
Providence, RI 02904

201009-1440 Bravo